

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

PABLO O'NEILL,

Plaintff,

v.

2004-CV-0088

**AVA GAIL JAGROOP BOURDON as the
Personal Representative of THE ESTATE OF
LEONARD CHASEN and KAREN CHASEN,
individually and as beneficiary of LEONARD
CHASEN FAMILY TRUST and ESTATE OF
LEONARD CHASEN,**

Defendants.

**TO: Lee J. Rohn, Esq.
Edward L. Barry, Esq.**

ORDER REGARDING PLAINTIFF'S MOTION TO COMPEL

THIS MATTER came before the Court upon Plaintiff's Motion to Compel Discovery Responses From Defendant Ava Gail Jagroop Bourdon as the Personal Representative of the Estate of Leonard Chasen (Docket No. 16). A review of the record reveals that Plaintiff filed a request of entry of default (Docket No. 11) on or about December 16, 2005. Entry of default was entered against Defendant Ava Gail Jagroop Bourdon as the Personal Representative of the Estate of Leonard Chasen by the Clerk of Court Wilfredo F. Morales (Docket No. 12) on or about May 15, 2006. Plaintiff's motion to compel originally was

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received by the Court on October 30, 2006, but was not formally entered into the record until June 25, 2007. However, both dates occurred after default was entered against said Defendant by the Clerk of Court. Given the stated procedural history, the Court finds the motion to be moot.

Accordingly, it is now hereby **ORDERED** that Plaintiff's Motion to Compel Discovery Responses From Defendant Ava Gail Jagroop Bourdon as the Personal Representative of the Estate of Leonard Chasen (Docket No. 16) is **DENIED AS MOOT**.

ENTER:

Dated: January 3, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE